

**UNITED STATES DISTRICT COURT
DISTRICT OF NEW HAMPSHIRE**

Frank Staples, et al., *
*
Plaintiffs, *
v. * Civil No. 1:24-cv-00331-LM-TSM
*
Christopher Sununu, Governor, et al., *
*
Defendants *
*

OBJECTION TO MOTION TO STRIKE

The New Hampshire Governor and the New Hampshire Attorney General submit the above-captioned pleading, stating in support thereof as follows:

1. Plaintiff filed various pleadings on February 12, 2025, including ECF Doc. No.17 (Motion to Strike Documents 6 and 7 From the Record).¹
2. Because such Motion is duplicative, meritless, and moot, Defendants object.
3. Specifically, Plaintiffs’ Motion to Strike seeks to re-litigate the issue of the waivers of service filed by the State Defendants. This issue has already been litigated *ad nauseum* and is moot regardless. *See* ECF Doc. No. 8 (Motion to Extend Time to Answer); ECF Doc. No. 12 (Objection to Motion for Default).
4. Plaintiffs (again) ask this Court to sanction Defendants for relieving them of their obligation to prove service on the Defendants — essentially, to sanction Defendants for stipulating to the fact that they were served.

¹ ECF Doc. Nos. 6 and 7 are the Waivers of Service filed by the Defendant Governor and the Defendant Attorney General, respectively.

5. Plaintiffs' claim that these waivers of formal service somehow prejudiced them is beyond reason, particularly where the relevance of the waivers does not span past the determination of Defendants' responsive pleading deadline, which has long-since been set by this Court. *See* Order on Motion to Extend, dated January 13, 2025.
6. Indeed, Defendants have already filed a responsive pleading, in the form of a Motion to Dismiss. *See* ECF Doc. No. 22.
7. In sum, Plaintiffs' Motion to Strike must be denied.
8. To the extent the Plaintiffs (again) seek reconsideration of the Magistrate Judge's January 13, 2025 Orders, Defendants object for the same reasons stated above, and as stated in their February 4, 2025 Response to Objection (ECF Doc. No. 16), which Response is incorporated herein by reference.

WHEREFORE, Defendants respectfully requests that this Honorable Court:

- A. Deny Plaintiffs' Motion to Strike; and
- B. Grant such other and further relief as the Court deems just and proper.

Respectfully submitted,
Governor Chris Sununu, and
Attorney General John Formella

By their attorney,

THE OFFICE OF THE ATTORNEY GENERAL

Dated: February 21, 2025

/s/ Shawna Bentley

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CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing was sent this day by first class mail to each of the plaintiffs at the address listed in the CM/ECF docket.

/s/ Shawna Bentley

Shawna Bentley